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10 *Mobile Display Co., Ltd., Toshiba America*
Electronic Components, Inc. and Toshiba
America Information Systems, Inc.

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

14 IN RE: TFT-LCD (FLAT PANEL)
15 ANTITRUST LITIGATION

No. 3:07-md-1827 SI
MDL No. 1827

16 This Document Relates To:
17 ALL ACTIONS
18
19
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**STIPULATION AND [~~PROPOSED~~]
ORDER WITHDRAWING THE
TOSHIBA ENTITIES' OBJECTIONS
TO SPECIAL MASTER'S ORDER RE
PLAINTIFFS' MOTION TO COMPEL
TOSHIBA TO PRODUCE MICHIIRO
YOSHINO FOR DEPOSITION**

Judge: Hon. Susan Illston

1 WHEREAS Plaintiffs sought to take the deposition of Michihiro Yoshino after the
2 completion of nineteen other depositions of Toshiba Entity witnesses;

3 WHEREAS the Special Master entered an Order (the “Special Master’s Order”) on April
4 2, 2012 (Dkt. No. 5359), permitting Plaintiffs to proceed with the deposition of Mr. Yoshino;

5 WHEREAS the Toshiba Entities filed Objections to the Special Master’s Order on April
6 13, 2012 (Dkt. Nos. 5474, 5475) (the “Objections”), for the reasons stated therein;

7 WHEREAS undersigned Plaintiffs and the Toshiba Entities (collectively, the “Stipulating
8 Parties”) seek to resolve the issues addressed in the Special Master’s Order and the Objections
9 without further briefing or argument;

10 NOW, THEREFORE, Plaintiffs and the Toshiba Entities, through their undersigned
11 respective counsel, stipulate as follows:

12 1. The document attached hereto as Exhibit A, bearing the Bates range
13 TSB_LCD1_00353530 – TSB_LCD1_00353533, is an excerpt from the handwritten datebook of
14 Michihiro Yoshino. Exhibit A reflects meetings that Mr. Yoshino attended with certain
15 representatives of HannStar on November 2, November 21, 2001, November 28, 2001, January 9,
16 2002 and March 21, 2002. To the extent that certain individuals are identified in Exhibit A, it is
17 likely that they attended the meetings where they are identified. The notation “D. Joe” in Exhibit
18 A refers to David Joe.

19 2. The document attached hereto as Exhibit B, bearing the Bates range
20 TSB_LCD1_00359865 – TSB_LCD1_00359867, is an email written by Mr. Yoshino on
21 November 1, 2006. Exhibit B refers to a meeting on or about October 31, 2006 between Mr.
22 Yoshino, his colleagues, and at least one employee of Sharp.

23 3. None of the Stipulating Parties will object to the admissibility of Exhibits A and B
24 on the ground that they are not “authentic” as that term is used in Rule 901 of the Federal Rules
25 of Evidence.

26 4. None of the Stipulating Parties will object to the admissibility of Exhibits A and B
27 on the ground that they are not business records pursuant to Rule 803(6) of the Federal Rules of
28 Evidence.

1 5. The Stipulating Parties agree that Exhibits A and B do not require a sponsoring
2 witness to establish their authenticity, their status as best evidence, or their status as business
3 records, as enumerated in paragraphs 3-4.

4 6. Notwithstanding the foregoing, nothing in this Stipulation shall preclude any of the
5 Stipulating Parties from challenging the admissibility or use of Exhibits A and B on grounds not
6 expressly stipulated to in paragraphs 1-5 above.

7 7. Given the unavailability of Mr. Yoshino, other witnesses may testify about
8 Exhibits A and B consistent with the Federal Rules of Evidence and Civil Procedure, as well as
9 the foundational requirements set forth therein.

10 8. The Stipulating Parties agree that, at trial, they will stipulate to the reading of a
11 short biographical statement describing Mr. Yoshino's employment with TMD prior to the
12 introduction of either Exhibit A or B. The Stipulating Parties will agree in advance on the content
13 of the statement.

14 9. Plaintiffs withdraw their request to depose Mr. Yoshino and agree not to seek his
15 deposition at a later date.

16 10. The Toshiba Entities agree not to criticize Plaintiffs for not deposing Mr. Yoshino
17 or for not introducing his testimony.

18 11. The undersigned agree and hereby request that the Special Master's Order (Dkt.
19 No. 5359) be vacated.

20 12. The Toshiba Entities hereby withdraw their Objections to the Special Master's
21 Order (Dkt. Nos. 5474, 5475).

22 13. The hearing on this matter scheduled for May 18, 2012 shall be cancelled.

23 14. Notwithstanding the above, nothing in this Stipulation shall in any way impair or
24 foreclose any Stipulating Party's right to seek relief otherwise permitted by law.

25 **IT IS SO STIPULATED.**

1 Dated: May 9, 2012

LIEFF, CABRASER HEIMANN & BERNSTEIN, LLP

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Brendan P. Glackin

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12 *Co-Lead Counsel for the Direct Purchaser Plaintiffs*

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14 Dated: May 9, 2012

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21 *Liaison Counsel for All Direct Action Plaintiffs*

1 Dated: May 9, 2012

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John H. Chung

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12 *Counsel for Toshiba Corporation, Toshiba Mobile Display*
13 *Co., Ltd., Toshiba America Electronic Components, Inc.*
14 *and Toshiba America Information Systems, Inc.*

15 Attestation: The filer of this document attests that the concurrences of the signatories thereto
16 have been obtained.

17 **IT IS SO ORDERED.**

























18 Dated: May 14, 2012

19 

20 The Honorable Susan Illston
21 United States District Judge
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EXHIBIT A

HANHSTAR (Top Mtg) 01-11-2

	• Delivery (材料) 管理
	此表一出生一購買 看購買力不足
	• F993L (L9)
	
	• F958 1/5 decision / cell
	部; TSB 責任
	• Delivery 群 (緊急) --- Dec
	• Inventory / HSD 群
	
	• Monitor
	• HANHSTAR STD 品 OEM
	
	
	
	
	
	
	
	
	
	
	
	
	

Ident no: 03027

01-11-21
HANNSTAR (Top Meeting)
 Mr. Yu Chiu
 CPT
 49 BIL TOTAL ASSETS
 → may be weak from financial point
 CHO (ABS)

AU → financial strength may be problem

HANNSTAR financial position
 Investment, capital position No. 2
 Technology position No. 3 ~ No. 4
 3% delist

01-11-28
HANNSTAR Meeting
 (D. Joe)
 General
 • CHO 15% loss vs market --- Fujitsu/agreement
 • Proview/ADTEK --- ~~brightness~~ brightness up
 • CPT, AU 1/4 even point Au; 17"
 • JAN Price - CPT; transfer loss to CRT
 Price MONITOR \$230 - \$219
 N-PC Feb 959 (SONY) 2600 - 24.762 (\$26.4)
 F 960 (Fujitsu) 2600 - 25.143 (\$25.5)
 9058 N-PC Feb for cell sale
 • 9058 after technical discussion, how to absorb cost up → TSD
 @ty 1/9/2002 @ty 100k/1 (JAN 100k inc delay of Dec.)
 (polylizer)
 Materials
 • Shortage of ~~PPH~~ (PPH) (PPH)
 • Shortage of Wide View Film (Monitor 用) --- 17.1" 17.1" 17.1"
 Strategy
 • (HANNSTAR - Quantia Display)
 stock increase (at 70?)
 ZFAB could be invested alliance with TM or (Sharp)
 ↓
 • CHE, AU, CPT

- HANNSTAR 增資計畫 -

NT \$12 x 6億 { 80% investor
10% public
10% 股東

2/月 增資

NT \$28億 + NT \$60 = 268億

HANNSTAR 02-1-9 Mr. Uchi (General Manager)
Mr. Aihara

P-3 2003/2 1150 x 1300 17" ~ 22" Multi-Media

• F8558

• F8560/59 --- price accepted

• OOA

DNP → HANNSTAR

1月 40 → 65 65 ± 0

2月 44 → 57 40 ± 17

• 台灣法律上, 重要契約 沒有提出

→ checked by legal

→ 法律上 特許 (ES)

• Module 南京

6 line 高雄

2 line x 2 + 1

+

南京, 2 line

Apr 100K

May

JUNE

02-3-21

HANNSTAR OEM HFE

- HANSTAR demand may weaken ← *
- \$22.4P ~~\$26.75P~~ --- Fujitsu
- HSD switches Note PC from Hanstar
- \$25 would be the upper ceiling of price

KNOXBRAIN

EXHIBIT B



michihiro yoshino on 11/01/2006 09:00:26 AM

宛先: haruo tsukimura/toshiba-tmd@toshiba-tmd
atsusato kanemori/toshiba-tmd@toshiba-tmd
kinji oobuchi/toshiba-tmd@toshiba-tmd
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hiroshi kato/toshiba-tmd@toshiba-tmd
makoto chiba/toshiba-tmd@toshiba-tmd
shinji enomoto/toshiba-tmd@toshiba-tmd
masatoshi tanaka/toshiba-tmd@toshiba-tmd
tomohito amano/toshiba-tmd@toshiba-tmd

cc:

件名: SHとの情報交換録 取り扱い注意、読後破棄願います

標記の件につき下記御報告致します。(会食中の
会話の由、ランダムな記載ご容赦願います。)

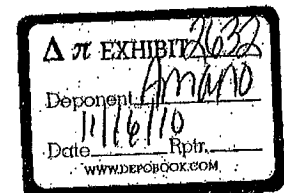
★SH状況

- *CGSは2期まで立ち上がり、フル稼働。
2200枚投入中。(2400枚までいける。)
3期立ち上げ中。
- *数量は伸びているが売価ダウンにて金額がなかなか
伸びない。
- *3Qは埋まっているが、例年のHEATした感じ
はない。
来年は未だ不透明。
- *月産20000k~25000k生産中。
- *米子は中小型へ改造完、埋まっている。
- *事業伸長(売上げ拡大)を強く課せられている
様子にて、対前年、対前期伸長の計画達成が
ノルマの様子。
(10月は9月の反動あり、ちょっとしんどそう)
- *DSCは再起動させる。DSCのコスト力は携帯
勝ち抜く為にも必要との認識。

★主要顧客

- *Nokiaへは5mil/m位の販売
(但しフルモノリシックは未参入)

Nokiaはlow end機種を自生産
している。中国の安売りメーカーの行き場を
無くしている。
- *BENQは欧州、中国あわせ8億ARあるが、
全額同収の見込み。
- *SagemはM社へ吸収されるのでは、M社
, N社 catch upに全力。
- *Motorolaのタンデムは3ヶ月遅れた。
フルモノで進めたが、結局TMDに合わせる
事に、半分うらみ節。



HIGHLY CONFIDENTIAL

TSB_LCD1_00359865

TSB_LCD1_00359865

タンデムの価格はお互いしつかり。(歩留りも悪いし、い)
Epsonが参入を狙っていたが、つぶした。

STも考えてますよとの、当方情報に対し、つぶしたいとのコメント。―――別途。

* SEMCやりたい ―――しんどいですよ
とコメント

* 三星無線やりたい ―――やめてよと
(カメラの関係あり) コメント

* シャープ広島あんまりやらんといて。
価格きっている。―――これ以上
はやりません。

* PとNの統合でSHは
難しくなる。―――本当かな・・

★先方提案

* アモルファスを振り切る為に、ポリで
手を組みたい。――フルモノをやりませんか
一緒にN, M, A社やりませんか。

* 車載にOCBを検討しても良い

とにかく一緒に顧客、市場囲い込みませんか。
コモディイー化の流れとにかく阻止したい。

―――課題意識は同じですが、、

以上 吉野

追記) 先方のご好意により亀山工場(第二工場)見学
致しました。
生産ラインは無論全く見れず、特設の見学コ
ースに沿って、SHの太陽電池、液晶の作り方、
シャープの電卓、テレビの歴史等につき勉強させて
頂きました。

接待、自社宣伝に大いに活用されています。
(専属の(美人)案内員おります。)

工場は大変大きくしかもダンパーを組み込み、
耐震強度を大きく上げ、震度7でも震度1程度
の揺れに押さえるそうです。

第二工場(G8ライン)の屋上には、太陽光発電
の見学室(上記特設コースの一部)があり、屋根
一杯にソーラが貼ってあります。
最大発電能力 520.0kw/d程度。
普通の家庭一日の使用量換算で1300軒分相当、
但し亀山工場必要電力量の2%程度をまかなう能力
との事にて、たいした事は無いような気がします。
宣伝効果の方がはるかに大きい。

また瞬停用の超電力***という蓄電設備もあり。

ともかくエコを最大の売りに巻の動き同様 ” 亀山
” そのものをブランド化しようとしております。

またテレビでは高速応答 (4 m s e c) の比較展示
、例の横スクロールで文字を出し、従来品との違いを
強調。当社OCBに比較すると応答は明らかに劣る。
但し素人が従来品との比較展示されれば違いははっきり
しています。
(美人案内員に全階調で早いか聞いても無駄なので
質問はしておりません)